

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

WILLIE PAUL WHITE,

Plaintiff,

VS.

CITY OF DALLAS, et al,

Defendants.

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Civil Action No. 3:07-CV-0925-D

**ORDER**

After making an independent review of the pleadings, files, and records in this case, and the June 4, 2007 findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Accordingly, this action is dismissed without prejudice by judgment filed today. \* Plaintiff's motion for leave to proceed *in forma pauperis* is denied. All of plaintiff's other motions that he filed before the magistrate judge filed his June 4, 2007 findings, conclusions, and recommendation are denied.

Plaintiff's June 20, 2007 motion for the court to stay its order of June 4, 2007 pending appeal is denied. His motion for leave to take an interlocutory appeal *in forma pauperis* is denied

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\*Plaintiff's June 20, 2007 notice of appeal does not deprive this court of jurisdiction to act on the magistrate judge's findings, conclusions, and recommendation because an appeal from an unappealable order does not have this effect. *See United States v. Green*, 882 F.2d 999, 1001 (5th Cir. 1989) (notice of appeal from nonappealable order does not render void for lack of jurisdiction acts of trial court taken in the interval between filing of the notice and dismissal of the appeal); *United States v. Hitchmon*, 602 F.2d 689, 694 (5th Cir. 1979) (en banc) (contrary rule would leave district court powerless to prevent intentional dilatory tactics).

because, as a result of the court's final judgment filed today, he can take an appeal, provided he pays the sanction imposed by the United States Court of Appeals for the Fifth Circuit.

Treating plaintiff's June 20, 2007 "notice of removal" as a motion, the motion is denied.

**SO ORDERED.**

June 21, 2007.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE